



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
NEW YORK REGIONAL OFFICE  
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400  
NEW YORK, NEW YORK 10281-1022

WRITER'S DIRECT DIAL LINE  
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January 24, 2014

**BY EMAIL**

Honorable Richard J. Sullivan  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: SEC v. Amerindo Investment Advisors Inc., et al., 05-Civ.- 5231 (RJS)**

Dear Judge Sullivan:

The staff of the Securities and Exchange Commission ("Commission") respectfully requests that the Court extend (1) the date by which Defendants Alberto Vilar and Gary Tanaka are required to respond to the Commission's November 22, 2013 motion ("Motion") to set disgorgement and penalties against them to February 7, 2014, and (2) the date by which the Commission is required to file a reply to February 14, 2014. As set forth in the attached email correspondence, after the Court granted the Defendants' request to extend their response date to January 31, 2014, the Commission sought Defendants' consent to extend the Commission's time to reply by one week. At that time, counsel to the Defendants requested that the staff consent to an additional one week to file a response for the reasons set forth in her email. The staff does not object to counsel's request for the additional one week, subject to the Court's granting the Commission additional time to reply.

Alternatively, if the Court is not inclined to grant the Defendants an additional week to file a response, the staff respectfully requests that the Court grant the Commission until February 7, 2014 to file a reply.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "NJ".  
Neal Jacobson  
Senior Trial Counsel

Cc (via email):

Vivian Shevitz ([Vivian@shevitzlaw.com](mailto:Vivian@shevitzlaw.com))  
Jane Simkin Smith ([jssmith1@optonline.net](mailto:jssmith1@optonline.net))  
David C. Burger ([dcb@robinsonbrog.com](mailto:dcb@robinsonbrog.com))  
Ian Gazes ([Ian@gazesllc.com](mailto:Ian@gazesllc.com))

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Jacobson, Neal

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**From:** Vivian Shevitz <vivian@shevitzlaw.com>  
**Sent:** Wednesday, January 22, 2014 12:14 PM  
**To:** Jacobson, Neal; Salzberg, Mark D.  
**Cc:** vivian@shevitzlaw.com  
**Subject:** RE: Need to request additional week to respond to your disgorgement motion.

Yes, I consent.

As a heads up, however, I may need yet one additional week because the storm up here has made travel impossible and I have intermittent outages of electricity. (Would you consent in advance to that extra week, to February 7? If so, if you're writing the court so you have an extra week to reply, perhaps you could say that we've agreed to a February 7<sup>th</sup> date instead of the January 31, and I've agreed to your extra week). Thanks.

Vivian Shevitz  
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South Salem, New York 10590  
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\*Admitted in New York; United States Supreme Court; United States Courts Of Appeals for the First, Second, Third, Ninth, and Eleventh Circuits; United States District Courts for the Southern District Of New York and the Eastern District of New York.

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**From:** Jacobson, Neal [mailto:[JacobsonN@SEC.GOV](mailto:JacobsonN@SEC.GOV)]  
**Sent:** Wednesday, January 22, 2014 12:05 PM  
**To:** 'vivian@shevitzlaw.com'; Salzberg, Mark D.  
**Subject:** Re: Need to request additional week to respond to your disgorgement motion.

Vivian:

We forgot to ask for your consent to adjourn our reply by a week. Will you consent?

Thank you.